

\*\*\*\*\*CONFIDENTIAL DEPOSITION\*\*\*\*\*

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Leighton Technologies, LLC, )

Plaintiff-Counterclaim )

Defendant, )Case No.

-vs- )04Civ

Oberthur Card Systems, S.A.,)2496(CM)

Defendant-Counterclaim )

Plaintiff. )

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Deposition of KEITH R. LEIGHTON, a  
witness herein, called by the Defendant-  
Counterclaim Plaintiff, as if upon  
cross-examination under the statute, and  
taken before Luanne Stone, a Notary Public  
within and for the State of Ohio, pursuant  
to the issuance of notice and subpoena, and  
pursuant to the further stipulations of  
counsel herein contained, on Sunday, the 9th  
day of October, 2005 at 9:00 o'clock A.M.,  
at the Renaissance Hotel, the City of  
Cleveland, the County of Cuyahoga and the  
State of Ohio.

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**Tackla**  
& Associates

Court Reporting & Videotaping

Tackla & Associates

1025 Ohio Savings Plaza  
1801 E. Ninth Street  
Cleveland, Ohio 44114

216-241-3918 • Fax 216-241-3935

APPEARANCES:

On behalf of the Plaintiff-

Counterclaim Defendant:

Sutherland, Asbill & Brennan, LLP,

by:

Robert A. Gutkin, Esq.

On behalf of the Defendant-

Counterclaim Plaintiff:

Baker & McKenzie, by:

James David Jacobs

Frank M. Gasparo, Esq.

ALSO PRESENT:

Jean-Claude Huot

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1 We're dealing with different stresses that  
2 we would be making in these cards, different  
3 purposes, and back then we had cards that  
4 were 10/thousandths to 30/thousandths to 40/  
5 thousandths in thickness. I mean, these are  
6 all relative. You have to test and -- to  
7 come up with different pressures and  
8 temperatures to achieve your goals.

9 Q I appreciate all of that, Mr. Leighton,  
10 but, unfortunately, I need an answer to this  
11 question, and I'm going to have to ask it  
12 again, so bear with me, and let's try once  
13 more. And, I'm going to try to read back  
14 exactly what I asked, and maybe make it a  
15 little bit more literate.

16 Is it fair to say, Mr. Leighton, that  
17 before 1990 you made a plastic laminated  
18 card in which the pressure during the  
19 cooling was at least ten percent greater  
20 than the pressure during the heating?

21 MR. GUTKIN: Vague and ambiguous.  
22 Asked and answered. Calls for speculation.

23 THE WITNESS: Well, in order to move  
24 on, I -- I'm going to say yes to that  
25 question, but it does not pertain to making

1 a radio frequency card.

2 BY MR. JACOBS:

3 Q Okay. Now, Mr. Leighton, having  
4 established that before 1990 you made a  
5 plastic laminated card in which the pressure  
6 was at least ten percent greater during the  
7 cooling than it was during the heating, I'm  
8 going to ask you the following question:  
9 Was it common practice before 1990 in making  
10 plastic laminated cards to use a pressure  
11 during the cooling that was at least ten  
12 percent greater than during the heating?

13 MR. GUTKIN: Vague and ambiguous.  
14 Calls for speculation. You can answer.

15 THE WITNESS: It depends on what I'm  
16 trying to laminate.

17 BY MR. JACOBS:

18 Q Well, that's not the question.

19 A You're familiar with the -- the -- the  
20 legal terms, but you're not familiar with  
21 the manufacturing processes that you do  
22 every day.

23 Q Right on. Right on.

24 A Boy, I mean, trying to put the two  
25 together, this is -- this gets difficult,